



## UNITED STATES PATENT AND TRADEMARK OFFICE

535  
Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

09/424,527

FIRST NAMED APPLICANT

SEAN FARMER

ATTY. DOCKET NO.

19374-503

INTERNATIONAL APPLICATION NO.

PCT/US98/11347

I.A. FILING DATE

06/03/1998

PRIORITY DATE

06/03/1997

IVOR R ELRIFI  
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

**RECEIVED**

MAY 14 2003

MINTZ LEVIN, BOSTON  
PATENT DOCKET DEPT.

Date Mailed: 04/11/2003

CONFIRMATION NO. 8102

371

ABANDONMENT/TERMINATION  
LETTER

\*OC000000009824755\*

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- applicant has failed to respond to the decision mailed out on June 27, 2000

Done By	
<input type="checkbox"/> Data Entry	5/11/03
<input checked="" type="checkbox"/> Docket Entry	
<input type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req.	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

KAREN R MCLEAN

Telephone: (703) 308-9117

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/424527	FARMER S	19374-503

IVOR R ELRIFI  
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

INTERNATIONAL APPLICATION NO.	
PCT/US98/11347	
I.A. FILING DATE	PRIORITY DATE
03 JUN 98	03 JUN 97
DATE MAILED: 24 MAR 2000	

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

\* ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). \* SURCHARGE WAS PAID AT THE TIME OF FILING \*

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

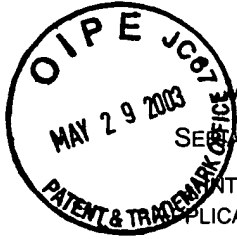
Karen McLean, Paralegal

Telephone: 703-308-9117

RECEIVED  
MAR 6 / 2000  
DOCKET DEPT.

<input checked="" type="checkbox"/> Data Entry
<input type="checkbox"/> Docket Clerk
<input type="checkbox"/> Docket Clerk
<input type="checkbox"/> Previously Entered
<input type="checkbox"/> No Docket
<input type="checkbox"/> Order Copies
<input type="checkbox"/> Annulment

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



APPLICANT : Farmer  
SERIAL NUMBER : 09/424,527  
EXAMINER : Not Yet Assigned  
INTERNATIONAL June 3, 1998  
ART UNIT : Not Yet Assigned  
APPLICATION FILING  
DATE :  
FOR : Probiotic Lactic Acid Bacterium to Treat Bacterial Infections Associated with  
SIDS

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. §371**

In response to the Notification of Missing Requirements Under 35 U.S.C. §371, mailed March 24, 2000, for filing in the above-referenced patent application are the following items and documents:

1. An executed Combined Declaration and Power of Attorney (in 2 counterparts, 7 pgs. total);
2. Petition for Extension of Time in duplicate (1 pg.);
3. Check # 16380 in the total amount of \$725.00 for a four month extension of time;
4. Copy of Notification of Missing Requirements (2 pgs); and
5. Return Postcard.

A petition to Revive Unintentionally Abandoned Application under 37 C.F.R. §1.137(b) and the required fee are filed herewith. Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 19374-503.

**RECEIVED**


**JUN 02 2003**

**OFFICE OF PETITIONS**

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

May 29, 2003

  
Ivor R. Elrifi (Registration No. 39,529)  
Ingrid A. Beattie (Registration No. 42,306)  
Attorneys for Applicants  
c/o MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY AND POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

TRA 1798844v1

# ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of

RIVERSIDE

} SS.

On

4/28/03

(DATE)

before me,

DANA BENNETT

(NOTARY)

personally appeared

ROBERT

MIKAIL

SIGNER(S)



personally known to me

- OR -



proved to me on the basis of satisfactory evidence to be the person(~~X~~) whose name(~~X~~) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signatures(~~X~~) on the instrument the person(~~X~~), or the entity upon behalf of which the person(~~X~~) acted, executed the instrument.



WITNESS my hand and official seal.

Dana Bennett  
NOTARY'S SIGNATURE

## OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)



INDIVIDUAL



CORPORATE OFFICER

TITLE(S)



PARTNER(S)



ATTORNEY-IN-FACT



TRUSTEE(S)



GUARDIAN/CONSERVATOR



OTHER:

### DESCRIPTION OF ATTACHED DOCUMENT

Comb. Decl. # POA for patent

TITLE OR TYPE OF DOCUMENT

3

NUMBER OF PAGES

4/28/03

DATE OF DOCUMENT

OTHER

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

RIGHT THUMBPRINT  
OF  
SIGNER

Top of thumbprint here